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INVENTOR(S): Lawrence J. Gutkowski   **CONFIRMATION NO:** 8183

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SUBJECT: ORGANIZING A DIGITAL IMAGE

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APPELLANTS'/APPLICANTS' REPLY BRIEF

The Appellant filed a revised opening brief on June 13, 2007. The Examiner responded in an answer mailed August 6, 2007 and then again in a subsequent Answer mailed on September 13, 2007. The following is a reply to the Examiner's answer of September 13.

1. **GROUNDS FOR REJECTION TO BE REVIEWED.**

A. Claims 1-5, 24-28, 47, 53, and 57 stand rejected under 35 USC §102 as being anticipated by US Pub 2002/0122067 to Geigel.

B. Claims 6-23, 29-46, and 48-52 stand rejected under 35 USC §103 as being unpatentable over US Pub 2002/0122067 to Geigel in view of USPN 6,738,154 issued to Venable.

C. Claims 55 and 56 stand rejected under 35 USC §103 as being unpatentable over US Pub 2002/0122067 to Geigel in view of USPN 6,999,207 issued to Nakane.

2. **ARGUMENT.**

A. Ground For Rejection A – Claims 1-5, 24-28, 47, 53, and 57 stand rejected under 35 USC §102 as being anticipated by US Pub 2002/0122067 to Geigel.

Claims 1, 24, 47, and 57 each recite, in various forms, identifying, within the digital image, a set of digitized objects and adjusting at least one digitized object within the digital image so that the adjusted digitized object at least substantially conforms to a prescribed state. In short, these claims recite the existence of an digital image that contains a set of digitized objects. That very same digital image is altered by adjusting at least one of those digitized objects.

In the opening Brief, the Appellant explained that Geigel fails to teach or suggest identifying, within the digital image, a set of digitized objects and adjusting at least one digitized object within the digital image so that the adjusted digitized object at least substantially conforms to a prescribed state. Addressing this point, the Examiner, at page 9 of the Answer, states:

> However, applicant agrees that "the function of Geigel's Image Placement Module is to position each of those images on the album page to which

that image has been assigned" and "once the images are placed on a given album page, they are not later *identified* or adjusted" [emphasis added]. Therefore, by applicant's acknowledgement, Geigel does teach identifying images within a given album as applicant admits Geigel does teach positioning *each* image on the album page. In other words, in order for Geige1's system to position each image on the album page, each image is identified for positioning.

The Examiner is misconstruing is simply misunderstanding the Appellant's argument. Claim 1, for example recites "identifying, within the digital image, a set of digitized objects" and then adjusting at least one of those digitized objects within the digital image. In other words, one starts with a single digital image such as a digital image scanned from the platen of a copier. That digital image includes various areas corresponding to digitized objects.

Giegles's teachings, on the other hand, are akin to an automated manner in placing physical objects on a copier's platen to achieve a desired scan or album page. Geigel teaches the creation of an album page by the selective placement of separate and distinct images thereon. To explain, the function of Geigel's Page Creator Module 126 is to place each of a plurality of distinct digital images onto an album page creating a new digital image that is the album page. At this point the areas of Giegle's album page that correspond to the digital images could be considered digitized objects within the digital image that is the album page. However, Geigel mentions nothing of identifying and adjusting these areas.

Consequently, Geigel fails to teach or suggest identifying, within the digital image, a set of digitized objects and adjusting at least one digitized object within the digital image so that the adjusted digitized object at least substantially conforms to a prescribed state. For at least this reason, Claims 1, 24, 47, and 57 are patentable over Geigel. Claims 2-22, 25-45, and 48-54 are patentable based at least in part on their dependency from Claims 1, 24, and 47 respectively.

B.   Ground For Rejection B – Claims 6-23, 29-46, and 48-52 stand rejected under 35 USC §103 as being unpatentable over US Pub 2002/0122067 to Geigel in view of USPN 6,738,154 issued to Venable.

Claims 6-22 are patentable over the cited references based at least on their dependency from Claim 1.

Claim 23 is directed to a method for organizing a digital image and recites the following:

1.   identifying, within the digital image, a set of digitized objects;

2.   providing an alignment grid for the digital image;

3.   for each digitized object:

    a.   rotating that digitized object so that an alignment axis of that digitized object is generally parallel with an axis of the alignment grid; and

    b.   positioning that digitized object so that an edge of that digitized object is substantially in line with a grid line of the alignment grid; and

4.   wherein the steps of identifying, providing, rotating, and positioning are performed automatically upon generation of the digital image.

As discussed above with respect to Claim 1, Geigel fails to teach or suggest identifying, within a digital image, a set of digitized objects or rotating, positioning, or otherwise adjusting a digitized object within a distinct digital image. Veneble is silent on these points.

In addition, Claim 23 makes it clear that the steps of identifying, rotating, and positioning, are performed **upon** the generation of the digital image. In this context, Merriam-Webster defines the term "upon" to mean "immediately following on: very soon after." It follows then that the steps of identifying, rotating, and positioning are performed immediately on or soon after the generation of the digital image. That is --

the digital image is generated and then immediately or soon thereafter the steps of identifying, rotating, and positioning are performed. Geigel, on the other hand, mentions nothing of identifying images within an album page following the generation of that album page. Geigel only teaches the generation of an album page by selectively placing previously assigned images As such, Giegles's teachings are more akin to an automated manner in placing physical objects on a copier's platen to achieve a desired scan or album page.

For at least these reasons, Claim 23 is patentable over the cited references.

Claim 29-45 are patentable over the cited references based at least on their dependency from Claim 24.

Claims 46 is directed to a computer readable medium that has instructions for the following:

1. identifying, within a digital image, a set of digitized objects;
2. providing an alignment grid for the digital image; and
3. for each digitized object:
    a. rotating that digitized object so that an alignment axis of that digitized object is generally parallel with an axis of the alignment grid; and
    b. positioning that digitized object so that an edge of that digitized object is substantially in line with a grid line of the alignment grid.

As discussed above with respect to Claim 1, Geigel fails to teach or suggest identifying, within a digital image, a set of digitized objects or rotating, positioning, or otherwise adjusting a digitized object within a distinct digital image. Veneble is silent on these points.

For at least this reason, Claim 46 is patentable over the cited references.

Claim 48-52 are patentable over the cited references based at least on their dependency from Claim 47.

C. Ground For Rejection C – Claims 55 and 56 stand rejected under 35 USC §103 as being unpatentable over US Pub 2002/0122067 to Geigel in view of USPN 6,999,207 issued to Nakane.

Claim 55 is directed to a multifunction peripheral having various elements capable of implementing the method of Claim 1. As discussed above with respect to Claim 1, Geigel fails to teach or suggest identifying, within the digital image, a set of digitized objects and adjusting at least one digitized object within the digital image so that the adjusted digitized object at least substantially conforms to a prescribed state. Nakane is silent on these points.

For at least this reason, Claim 55 and Claim 56 which depends from Claim 55 are patentable over the cited references.

CONCLUSION: Claims 1-57 are felt to be in condition for allowance. Consequently, early and favorable action allowing these claims and passing the application to issue is earnestly solicited.

Respectfully submitted,

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CLAIM LISTING

1. (previously presented) A method for organizing a digital image, comprising:

identifying, within the digital image, a set of digitized objects; and

adjusting at least one digitized object within the digital image so that the adjusted digitized object at least substantially conforms to a prescribed state.

2. (original) The method of Claim 1, wherein adjusting affects one or more of a size, a location, and an orientation of the digitized object.

3. (original) The method of Claim 1, further comprising generating the digital image of a set of objects, each of the set of digitized objects being a digital replica of one of the set of objects.

4. (original) The method of Claim 3, wherein the steps of identifying and adjusting are performed automatically upon generation of the digital image.

5. (original) The method of Claim 1 further comprising automatically instructing that the digital image be produced upon performing the steps of identifying and adjusting.

6. (original) The method of Claim 1, wherein adjusting comprises adjusting at least one digitized object within the digital image so that the adjusted digitized object shares a generally uniform state with another digitized object.

7. (original) The method of Claim 1, wherein adjusting comprises for at least one digitized object, aligning that object with and snapping that object to an alignment grid.

8. (original) The method of Claim 7, wherein aligning comprises identifying an alignment axis of that digitized object and rotating that digitized object so that the alignment axis is generally parallel with an axis of the alignment grid.

9. (original) The method of Claim 7, wherein snapping comprises identifying an alignment edge of that digitized object and positioning that digitized object so that the alignment edge is substantially in line with a grid line of the alignment grid.

10. (original) The method of Claim 7, wherein snapping comprises identifying a first edge of that digitized object and a second edge of that digitized object, the first edge being substantially perpendicular to the second edge and positioning that digitized object so that the first edge is substantially in line with a first grid line of the alignment grid and the second edge is substantially in line with a second grid line of the alignment grid.

11. (original) The method of Claim 7, wherein snapping comprises assigning a snap line to the digitized object and positioning that digitized object so that the snap line is substantially in line with a grid line of the alignment grid.

12. (original) The method of Claim 7, wherein:

aligning comprises identifying an alignment axis of that digitized object and rotating that digitized object so that the alignment axis is generally parallel with an axis of the alignment grid; and

snapping comprises identifying an edge of that digitized object and positioning that digitized object so that the identified edge is substantially in line with a grid line of the alignment grid.

13. (original) The method of Claim 1, wherein adjusting comprises adjusting at least one digitized object within the digital image so that the adjusted digitized object at least substantially conforms to a prescribed location, orientation, and size.

14. (original) The method of Claim 1, wherein adjusting comprises for each digitized object, aligning the digitized object with and snapping the digitized object to an alignment grid.

15. (original) The method of Claim 14, wherein aligning comprises identifying an alignment axis for the digitized object and rotating the digitized object so that the alignment axis is generally parallel with an axis of the alignment grid.

16. (original) The method of Claim 14, wherein snapping comprises identifying an alignment edge of the digitized object and positioning the digitized object so that the alignment edge is substantially in line with a grid line of the alignment grid.

17. (original) The method of Claim 14, wherein snapping comprises identifying a first edge of the digitized object and a second edge of the digitized object, the first edge being substantially perpendicular to the second edge and positioning the digitized object so that the first edge is substantially in line with a first grid line of the alignment grid and the second edge is substantially in line with a second grid line of the alignment grid.

18. (original) The method of Claim 14, wherein the set of digitized objects has a non-uniform object spacing, and wherein snapping comprises repositioning one or more of the digitized objects to establish a substantially uniform object spacing among the set of digitized objects.

19. (original) The method of Claim 14, wherein snapping comprises repositioning one or more of the digitized objects to establish, across a dimension of the digital image, a substantially uniform object spacing among the set of digitized objects.

20. (original) The method of Claim 19, wherein adjusting also comprises resizing at least one digitized object so that one or more of the digitized objects substantially spans the dimension of the digital image.

21. (original) The method of Claim 14, wherein adjusting also comprises, for each digitized object, resizing the digitized object to at least substantially conform to a pre-selected size.

22. (original) The method of Claim 14, wherein:

aligning comprises identifying an alignment axis of the digitized object and rotating the digitized object so that the alignment axis is generally parallel with an axis of the alignment grid; and

snapping comprises identifying an edge of the digitized object and positioning the digitized object so that the identified edge is substantially in line with a grid line of the alignment grid.

23. (original) A method for organizing a digital image, comprising:

identifying, within the digital image, a set of digitized objects;

providing an alignment grid for the digital image;

for each digitized object:

rotating that digitized object so that an alignment axis of that digitized object is generally parallel with an axis of the alignment grid; and

positioning that digitized object so that an edge of that digitized object is substantially in line with a grid line of the alignment grid; and

wherein the steps of identifying, providing, rotating, and positioning are performed automatically upon generation of the digital image.

24. (original) A computer readable medium having instructions for:

identifying, within a digital image, a set of digitized objects; and

adjusting at least one digitized object within the digital image so that the adjusted digitized object at least substantially conforms to a prescribed state.

25. (original) The medium of Claim 24, wherein the instructions for adjusting affect one or more of a size, a location, and an orientation of the digitized object.

26. (original) The medium of Claim 24, having further instructions for generating the digital image of a set of objects, each of the set of digitized objects being a digital replica of one of the set of objects.

27. (original) The medium of Claim 26, wherein the instructions for identifying and adjusting are executed automatically upon generation of the digital image.

28. (original) The medium of Claim 24 having further instructions for automatically instructing that the digital image be produced upon execution of the instructions for identifying and adjusting.

29. (original) The medium of Claim 24 wherein the instructions for adjusting include instructions for adjusting at least one digitized object within the digital image so that the adjusted digitized object shares a generally uniform state with another digitized object.

30. (original) The medium of Claim 24, wherein the instructions for adjusting include, for at least one digitized object, instructions for aligning that object with and snapping that object to an alignment grid.

31. (original) The medium of Claim 30, wherein the instructions for aligning include instructions for identifying an alignment axis of that digitized object and rotating that digitized object so that the alignment axis is generally parallel with an axis of the alignment grid.

32. (original) The medium of Claim 30, wherein the instructions for snapping include instructions for identifying an alignment edge of that digitized object and positioning that digitized object so that the alignment edge is substantially in line with a grid line of the alignment grid.

33. (original) The medium of Claim 30, wherein the instructions for snapping

include instructions for identifying a first edge of that digitized object and a second edge of that digitized object, the first edge being substantially perpendicular to the second edge and positioning that digitized object so that the first edge is substantially in line with a first grid line of the alignment grid and the second edge is substantially in line with a second grid line of the alignment grid.

34. (previously presented) The medium of Claim 30, wherein snapping comprises assigning a snap line to the digitized object and positioning that digitized object so that the snap line is substantially in line with a grid line of the alignment grid.

35. (original) The medium of Claim 30, wherein the instructions for:

aligning include instructions for identifying an alignment axis of that digitized object and rotating that digitized object so that the alignment axis is generally parallel with an axis of the alignment grid; and

snapping include instructions for identifying an edge of that digitized object and positioning that digitized object so that the identified edge is substantially in line with a grid line of the alignment grid.

36. (original) The medium of Claim 30, wherein the instructions for adjusting include instructions for adjusting at least one digitized object within the digital image so that the adjusted digitized object at least substantially conforms to a prescribed location, orientation, and size.

37. (original) The medium of Claim 24, wherein the instructions for adjusting include, for each digitized object, instructions for aligning the digitized object with and snapping the digitized object to an alignment grid.

38. (original) The medium of Claim 37, wherein the instructions for aligning include instructions for identifying an alignment axis for the digitized object and rotating the digitized object so that the alignment axis is generally parallel with an axis of the alignment grid.

39. (original) The medium of Claim 37, wherein the instructions for snapping include instructions for identifying an alignment edge of the digitized object and positioning the digitized object so that the alignment edge is substantially in line with a grid line of the alignment grid.

40. (original) The medium of Claim 37, wherein the instructions for snapping include instructions for identifying a first edge of the digitized object and a second edge of the digitized object, the first edge being substantially perpendicular to the second edge and positioning the digitized object so that the first edge is substantially in line with a first grid line of the alignment grid and the second edge is substantially in line with a second grid line of the alignment grid.

41. (original) The medium of Claim 37, wherein the set of digitized objects has a non-uniform object spacing, and wherein the instructions for snapping include instructions for repositioning one or more of the digitized objects to establish a substantially uniform object spacing among the set of digitized objects.

42. (original) The medium of Claim 37, wherein the instructions for snapping include instructions for repositioning one or more of the digitized objects to establish, across a dimension of the digital image, a substantially uniform object spacing among the set of digitized objects.

43. (original) The medium of Claim 42, wherein the instructions for adjusting also include instructions for resizing at least one digitized object so that one or more of the digitized objects substantially spans the dimension of the digital image.

44. (original) The medium of Claim 37, wherein the instructions for adjusting also include instructions, for each digitized object, resizing the digitized object to at least substantially conform to a pre-selected size.

45. (original) The medium of Claim 37, wherein the instructions for:

aligning include instructions for identifying an alignment axis of the digitized object and rotating the digitized object so that the alignment axis is generally parallel with an axis of the alignment grid; and

snapping include instructions for identifying an edge of the digitized object and positioning the digitized object so that the identified edge is substantially in line with a grid line of the alignment grid.

46. (original) A computer readable medium having instructions for:

identifying, within a digital image, a set of digitized objects;

providing an alignment grid for the digital image; and

for each digitized object:

rotating that digitized object so that an alignment axis of that digitized object is generally parallel with an axis of the alignment grid; and

positioning that digitized object so that an edge of that digitized object is substantially in line with a grid line of the alignment grid.

47. (original) A digital image organizing system, comprising:

a detection module operable to identify, within the digital image, a set of digitized objects; and

an adjustment module operable to adjust at least one digitized object within the digital image so that the adjusted digitized object at least substantially conforms to a prescribed state.

48. (original) The system of Claim 47, wherein the adjustment module is operable to adjust at least one digitized object within the digital image so that the adjusted digitized object shares a generally uniform state with another digitized object.

49. (original) The system of Claim 47, wherein the adjustment module is operable to:

rotate the digitized object so that an alignment axis of the digitized object is

generally parallel with an axis of an alignment grid; and

position the digitized object so that an edge of that digitized object is substantially in line with a grid line of the alignment grid.

50. (original) The system of Claim 47, wherein the adjustment module is operable to adjust at least one digitized object within the digital image so that the adjusted digitized object at least substantially conforms to a prescribed location, orientation, and size.

51. (original) The system of Claim 47, wherein the adjustment module is operable to reposition one or more of the digitized objects to establish, across a dimension of the digital image, a substantially uniform object spacing among the set of digitized objects.

52. (original) The system of Claim 47, wherein the adjustment module is operable to resize at least one digitized object so that one or more of the digitized objects substantially spans the dimension of the digital image.

53. (original) The system of Claim 47, further comprising an interface module operable to direct the detection module and the adjustment module to perform their functions upon generation of the digital image.

54. (original) The system of Claim 53, further comprising an interface module operable to send instructions for producing the digital image once the detection module and the adjustment module have performed their functions.

55. (original) A multifunction peripheral, comprising:

a scan engine operable to generate a digital image containing a set of digitized objects, each of the digitized objects being an electronic replica of a physical object;

a detection module operable to identify, within the digital image, a set of digitized objects;

an adjustment module operable to adjust at least one digitized object within the

digital image so that the adjusted digitized object at least substantially conforms to a prescribed state; and

a print engine operable to produce the digital image on a media sheet.

56. (original) The multifunction peripheral of Claim 55, further comprising an interface module operable to direct the detection module and the adjustment module to perform their functions upon generation of the digital image by the scan engine and to instruct the print engine to produce the digital image once the detection module and the adjustment module have performed their functions.

57. (original) A digital image organizing system, comprising:

a means for identifying, within the digital image, a set of digitized objects; and

a means for adjusting at least one digitized object within the digital image so that the adjusted digitized object at least substantially conforms to a prescribed state.